

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ATLAS GLOBAL TECHNOLOGIES LLC,

Plaintiff,

v.

TP-LINK TECHNOLOGIES CO., LTD.,
TP-LINK CORPORATION LTD, and
TP-LINK INTERNATIONAL LTD.,

Defendants.

Civil Action No. 2:21-cv-00430-JRG-RSP

JURY TRIAL DEMANDED

PLAINTIFF'S EX PARTE MOTION FOR SERVICE OF PROCESS

Plaintiff Atlas Global Technologies LLC (“Atlas” or “Plaintiff”) requests by this motion assistance from the clerk of this court in serving two of the three foreign defendants, TP-Link Corporation Limited (“TP-Link Corp.”) and TP-Link International Ltd. (“TP-Link Int’l”) (referred to collectively with the third defendant TP-Link Technologies Co., Ltd. as “Defendants”).

TP-Link Corp. and TP-Link Int’l are each an entity organized under the laws of Hong Kong, China. Plaintiff has made multiple attempts to notify and serve Defendants. On December 9, 2021, Atlas sent the complaint to TP-Link’s counsel in co-pending Eastern District patent litigation and requested that TP-Link waive service. Ex. 1 (Fair-Hoffman email); Enger Dec. ¶3. No response. *Id.* Then on January 14, 2022 and again on January 19, 2022, Atlas attempted to serve Defendants in the U.S. via their U.S.-based subsidiary, TP-Link USA Corporation (“TP-Link USA”). Ex. 2 (Service Affidavit); Enger Dec ¶4. More specifically, Atlas attempted to serve TP-Link USA’s registered agent for service of process (and CFO and Secretary), Deyi Shu.

Id. However, due to COVID, TP-Link USA's office was closed and Mr. Shu could not be served. *Id.*

Now, to ensure that Defendants are provided notice of this lawsuit, Plaintiff asks the Court to require the clerk to send process documents using a form of mail that requires a signed receipt pursuant to FRCP 4(f)(2)(C)(ii) and 4(h)(2).

Under FRCP 4(f)(2)(C)(ii) and 4(h)(2), foreign corporations, such as TP-Link Corp. and TP-Link Int'l, may be served via mail in Hong Kong, China. The Hague Service Convention allows mail service, "using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt," as a method reasonably calculated to give notice. *See, e.g., TracFone Wireless, Inc. v. Sunstrike Intern., Ltd.*, 273 F.R.D. 697, 699 (S.D. Fla. 2011) (finding that Hong Kong defendants may be served with process documents sent by the clerk of the court to the defendants via international express mail or via FedEx pursuant to Rule 4(f)(2)(C)(ii)); *see also Stingray IP Solutions, LLC v. TP-Link Technologies Co., Ltd, et al.*, Case No. 2:21-cv-00045-JRG, Dkt. No. 14 (E.D. Tex. April 26, 2021) (granting similar motion).

In this case, Plaintiff Atas requests that the clerk send a copy of the Complaint and Summons, as an additional method of notification, to Defendants TP-Link Corp. and TP-Link Int'l, at their respective principal office in Hong Kong, China. The mailings should be addressed as follows:

TP-Link Corporation Limited
Room 901-902, 9/F, New East Ocean Centre, 9 Science Museum Road, Tsim Sha Tsui, Kwun Tong, KL, Hong Kong, China, 518057

and

TP-Link International Ltd.
Room 901-902, 9/F, New East Ocean Centre, 9 Science Museum Road, Tsim Sha Tsui, Kwun Tong, KL, Hong Kong, China, 518057

Plaintiff will provide pre-addressed labels/envelopes and the appropriate documents for transmission of service of process by Federal Express, with signed receipt requested, which it has been recognized by this court is a valid form of mail. *See, e.g., IntelliGender, LLC v. Soriano*, 2012 WL 215066, at *3 (E.D. Tex. 2012) (finding mailing process via Federal Express a proper form of service under FRCP 4(f)(2)(C)(ii)); *see also Stingray IP Solutions, LLC v. TP-Link Technologies Co., Ltd, et al.*, Case No. 2:21-cv-00045-JRG, Dkt. No. 14 (E.D. Tex. April 26, 2021).

Accordingly, service via mail to Defendants TP-Link Corp. and TP-Link Int'l is proper and reasonably calculated to give defendants notice of the suit. Plaintiff asks that the Court grant its request set out in the Proposed Order filed with this motion.

Dated: January 25, 2022

Respectfully submitted,

/s/ Eric J. Enger

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service on January 25, 2022.

/s/ Eric J. Enger
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